

CITY OF MUSKEGON  
PLANNING COMMISSION  
REGULAR MEETING  
MINUTES

February 13, 2003

P. Sartorius called the meeting to order at 4:01 p.m., and roll was taken.

MEMBERS PRESENT: T. Michalski, J. Aslakson, B. Mazade, S. Warmington, B. Smith,  
T. Johnson, T. Harryman, L. Spataro, P. Sartorius

MEMBERS ABSENT:

STAFF PRESENT: B. Moore, H. Griffith

OTHERS PRESENT: G. Buckley, 462 W Webster; R. Gardner, 861 Oak; J. Gardner,  
861 Oak; J. Graves, 741 Getty.

NEW MEMBERS

P. Sartorius welcomed the new commission members.

APPROVAL OF MINUTES

A motion to approve the minutes of the regular meeting of January 16, 2003 and the special meeting of January 23, 2003 was made by B. Mazade, supported by S. Warmington and unanimously approved.

AMENDMENT TO THE BYLAWS

A motion to change the Election of Officers in the Bylaws from January to February of each year, was made by J. Aslakson, supported by S. Warmington and unanimously approved.

ELECTION OF OFFICERS

A motion to elect P. Sartorius as Chairperson, was made by J. Aslakson, supported by T. Johnson and unanimously approved.

A motion to elect J. Aslakson as Vice-Chair, was made by S. Warmington, supported by B. Mazade and unanimously approved.

A motion to appoint T. Michalski as Representative to the ZBA was made by S. Warmington, but failed as T. Michalski declined the offer.

A motion to appoint T. Johnson as Representative to the ZBA was made by S. Warmington, supported by J. Aslakson and unanimously approved.

## LETTER FROM STUDENTS

P. Sartorius stated that he received a stack of letters from the Muskegon High School students. They apologized for their behavior at the prior meeting. He passed them around so the other commission members may read them. He asked the clerk to save the letters.

## PUBLIC HEARINGS

Hearing: Case 2003-2: Request for a Special Use Permit for a Bed & Breakfast in the Heritage District, 502 West Webster, by Sarah Pulling. B. Moore presented the staff report. This is a large, historic home that the applicant recently purchased on the corner of Sixth and Webster. It is directly across the street from the Hackley Hume site. The lot is 66 by 145 feet. The applicant wishes to make the home a specialty bed and breakfast and indicates they expect not more than 10 guests at any one time, primarily on the weekends (see attached). Parking needs would be 7 spaces (two for the resident and 5 for guests). On street parking (on Sixth) could be used spring through fall. Under the ordinance, the HDC is supposed to be afforded the opportunity to comment on special uses in the Heritage Zone. There was some concern expressed at the last meeting about a concentration of Bed and Breakfast facilities in close proximity that could undermine the single-family nature of the immediate area. If the Planning Commission is inclined to grant the request, this case should be formally placed on the HDC's March agenda with a final Planning Commission determination in March. Staff is told that her father will be living in the home. The applicant must contact the Inspections Department prior to any activity on site to determine building code requirements for the proposed use at the subject property. Any alterations, remodeling or "change of use" will require sealed architectural blueprints be submitted that reflect the building will meet current code requirements before any permits or certificate of occupancy can be issued." Staff recommends approval of the request with conditions, if the HDC is comfortable with the proposal.

J. Aslakson asked why the applicant had chosen to do this in Muskegon since she is from the Detroit area. B. Moore stated that the applicant likes Muskegon. J. Aslakson asked if the applicant's father would be living in the home full time. B. Moore stated that he would be. B. Mazade asked if there would be adequate parking along Sixth St. B. Moore stated that there would be. J. Aslakson added that in the wintertime, they wouldn't be allowed to park on the street during the 2 a.m. to 6 a.m. parking ban. B. Moore stated that they may have enough on-site parking, but this would need to be shown on a site plan. They might be able to have 2 vehicles in the garage and the rest of the vehicles parked side-by-side in the driveway according to what they did provide in the drawing. She added that she did receive a phone call from Bruce Stanton who owns 520 & 534 Webster. He has concerns with parking and the number of people that could be staying there at one time. T. Johnson stated that the drawing that was provided wasn't exact. There isn't that much room for the driveway between the garage and the sidewalk. The garage looked to have a 1-vehicle capacity. They might only be able to fit 2 vehicles in the driveway. He asked if the applicant would be paving some of the property next to the driveway. B. Moore stated that nothing was said to her, but she will ask the applicant to submit a plan for the parking situation. T. Michalski asked what the historic district classification was for this property. B. Moore provided the members with a historic district map to view. The property classification is AA. L. Spataro stated that he has concerns with the

maximum capacity limit of 10. He asked if this would include those that live in the home. B. Moore stated that it would be exclusive of who lives there. L. Spataro stated that he also has concerns with the parking issue. T. Harryman asked if the group of people that would be going to the house would be the same people each time. B. Moore stated that she didn't know. The applicant had wanted to do this and in searching for a definition of what would be done at the property, a Bed and Breakfast had the closest definition. T. Harryman stated that it sounded more like having guests over for the weekend. J. Aslakson asked if there was any reason to require this as a Bed and Breakfast. He doesn't feel this is needed if it were just having guests over. G. Buckley stated that Bed and Breakfasts are out of hand in this neighborhood. He gave examples of what is going on at the Hackley-Holt House and at the Emery House. He is opposed to this as he and the neighbors have been working on getting this area owner occupied residential homes.

A motion to close the public hearing was made by J. Aslakson, supported by L. Spataro and unanimously approved.

T. Michalski asked if there was a definition of owner occupied. B. Moore stated that it ties into the meaning of family. L. Spataro suggested asking the City Attorney what owner occupied is in regards to a Bed and Breakfast in an historic district. B. Mazade agreed with L. Spataro. He stated that there are Bed and Breakfast's that hire someone to manage the home, and that individual would reside there. B. Moore stated that the neighborhood would prefer to see homes in this area owner occupied. J. Aslakson stated that owner occupied is important. He would like to have the opinion of the Historic District Commission in regards to this request. L. Spataro stated that if this weren't approved as a Bed and Breakfast, then the City would be able to find them in violation if it were found to be a Bed and Breakfast. This would open a broad range of things to happen. T. Harryman would like more information regarding the use and parking. J. Aslakson advised the commission members that if this were approved, this would be approved for 7 days a week, even though, the applicant is requesting this for the weekends only. He felt that the applicant should have had someone present to answer questions if she couldn't make the meeting.

A motion that the special use permit and associated site plan for a Bed and Breakfast at 502 W. Webster be tabled until they have more information and have the Historic District Commission's recommendation, was made by L. Spataro, supported by T. Michalski and unanimously approved.

Hearing, Case 2003-3: Request for a rezoning from R-1, Single Family Residential to RM-1, Low Density Multi-Family Residential for the northeast Corner of Getty Street and Oak Avenue by Ron Boeringa. B. Moore presented the staff report. In the past few years, this property has been the subject of a B-4 rezoning request, a use variance request, and a Planned Unit development request (all for a mini-storage facility and all denied). The subject property is located within two different zoning districts, R-1 and OSC. The property has frontage along Getty St., as well as Oak Ave., and contains a portion of the Ryerson Creek ravine in the rear portion, and along the Getty St. frontage. There is a vacant business located on the R-1 portion of the subject property, Vanderstelt Greenhouses. This existing use is non-conforming. There has been some assertion that this property is difficult to develop, because of a significant slope and floodplain, which limits design options. During one of the previous cases on this property,

staff suggested that if the owner felt single-family zoning was inappropriate for the site, perhaps a PUD under a RT or R-1 zoning would allow some flexibility on how structures were placed on site. This request only involves the single-family (R-1) area and not the OSC designated area of the parcel. The applicant is proposing a low-density multi-family development (4-plexes) although the district permits three stories and 16 units per acre. The OSC portion of the parcel could be part of the required 15% open space in a RM-1 or PUD development. Staff asked if the development was intended to be “market rate”. The applicant indicated that was his intent, but the applicant is not obligated to make it “market rate.” The Future Land Use Map shows a small portion of the subject property, right on the corner of Getty St. and Oak Ave., to be Single & Two-Family Residential. The rest of the subject property is shown as Open Space. The Master Land Use Plan states:

- ♦ *Ryerson Creek and Fourmile Creek traverse the sub-area [12]. These systems provide wildlife habitat, greenspace, and help to identify the area’s character.*

*It is the goal of the Master Plan to maintain the residential integrity of the sub-area, while setting aside small segments suitable for commercial and industrial uses in a highly compatible, non-threatening fashion.*

- ♦ *Strip commercial development of a mixed variety is found along Apple Avenue near the US-31 and Getty Street intersections... An industrial area is located near the intersection of Getty Street with Seaway Drive (Skyline Drive). This area is situated directly across from the Teledyne Continental Plant. The industrial area is isolated/buffered by woodlands and wetlands associated with the Muskegon River.*

The Master Plan recommends for this sub-area:

- ♦ *Clustered commercial development should be confined to the US-31 and Getty Street intersections, consistent with similar development identified in Sub-Areas 3 and 4.*

The subject property is located several blocks north of the more commercialized Apple Avenue corridor, and is almost completely surrounded by residential uses and some vacant, open space behind. The Master Plan clearly recommends that the focus of the area stay residential. If the Planning Commission is comfortable with this parcel moving out of a single-family zoning designation, staff would recommend an RT designation with a PUD for the applicant, which would allow for flexibility in lay-out but keep the density lower. Staff feels that a RM-1 designation at this time is too intense for the area.

B. Moore stated that the applicant had called and was unable to make the meeting. He is asking that this case be tabled. She stated that since there were some people in the audience who would like to speak on this case, that the commission could still hold the public hearing if they would like. B. Mazade asked what density would be allowed for a RM-1 zoning. B. Moore stated that there could be 16 units per acre and 3 stories high. R. Gardner stated that she is opposed to having multiple family housing in the area. There is a lot of traffic, noise, and activity. P. Sartorius asked if she would be opposed to a RT zoning instead, which would allow for duplexes instead of 4-plexes. R. Gardner stated that she would still be opposed. J. Garner stated that he is also opposed for the same reasons. He is also concerned with the property values for the surrounding areas should this be approved. His property taxes would still go up, but the value of his property would go down. J. Graves stated that he lives across the street from the side of the property facing Getty St. He is opposed to this for the same reasons that the Gardner’s had given. He is concerned with who would take care of the property. There are a

lot of out of town landlords that aren't taking care of their properties and he is concerned this would happen here. There are already enough rental apartments in this area. They don't need more apartments. He would have no problem with a single family home being rented.

A motion to close the public hearing was made by L. Spataro, supported by J. Aslakson and was unanimously approved.

L. Spataro stated that this is a stable neighborhood. The homes are owner occupied and well maintained. First they need to protect the residents that live there. Second this would create a spot zone if approved. He would prefer to deny this request. The property could be developed into single family homes.

A motion that the request to rezone the property at 808 Oak, from R-1, Single-Family Residential to RM-1, Low Density Multiple-Family Residential, was made by L. Spataro, supported by S. Warmington.

J. Aslakson stated that he would support this motion. B. Mazade stated that he doesn't disagree with what has been said. He is concerned with due process. The applicant asked that this be tabled. B. Moore stated that she is also concerned because the applicant could contest this since he asked that it be tabled. The applicant wanted to give a presentation of what he would like to do with the property. T. Harryman asked if this request was for more than a rezoning of the property. L. Spataro stated that zoning is based on anything that is allowed under that zoning. He might consider a RT zoning, but he still isn't sure. It wouldn't matter what the applicant wished to do with the property. Once the property is rezoned, the owner could sell the property and the new owner could do something else that would fall under that zoning. He is concerned with the impact that a rezoning would have on the neighborhood. T. Johnson stated that he thought it would be best if the applicant had a chance to say something. They should wait until the applicant is there before they make their decision.

A motion that the request to rezone property at 808 Oak, from R-1, Single-Family Residential to RM-1, Low Density Multiple-Family Residential be tabled until more information is obtained was made by J. Aslakson, supported by B. Mazade and unanimously approved.

## OLD BUSINESS

Case 2003-1: Request for a Planned Unit Development on McLaren Street, Village at Jackson Hill, Finlay Development LLC. (tabled). B. Moore stated that the applicant asked that this remain tabled. The person who originally worked on this is no longer with them and the new person needs a little time to catch up.

A motion that the planned unit development approval for 40-single-story senior living units for Finlay Properties be tabled, was made by J. Aslakson, supported by L. Spataro and unanimously approved.

2002/2003 Workplan – P. Sartorius stated that this was a document that was created about 2 years ago. As items are completed, they are crossed off the list. Item C, he would suggest be crossed off, as this is a work in progress. B. Moore stated that she added a couple of things

since the last time the commission members had seen this. J. Aslakson asked if the priorities were in order of what had the most priority under special projects. P. Sartorius stated that they were not in order. J. Aslakson stated that item 4 has a higher priority to him. This should be able to be completed in the next year to year and a half. He thought that the students of Muskegon High School and a Planning Commissioner could go out and look at each neighborhood to determine inventory of homes, junk vehicles, etc. L. Spataro stated that under the rezoning investigation there is an item that isn't listed that staff is already doing and that is the Blight Fight. There was already a rezoning that was completed due to the Blight Fight and that was the Nelson Neighborhood. He knows that the City Commission would like to have the strip that is between North and South Nelson, which is between Southern to Washington and Eighth St. to the High School. There is a need to rezone this area along with others in the area. B. Mazade brought up the need to rezone the property along Sherman Blvd. The property that is adjacent to the Landmark, is an issue that hadn't been solved yet. There are single family homes on the backside of this area. J. Aslakson stated that the neighborhood would want a buffer between them and any development that could go there. P. Sartorius stated that on the flip side, under B-5, there were areas that were commercial and now aren't viable for that zoning. Look at targeting those areas to rezone to a multiple family instead. B. Moore suggested creating a PUD district. There are communities that have the district. There could be different standards for a PUD district. J. Aslakson stated that he would like to see more maps. He used the example of the Bed and Breakfast case. He stated that it would be nice to have a map showing the property and where other Bed and Breakfasts are in the same area. P. Sartorius would like the list to be ready to prioritize at the next meeting.

S. Warmington left at 5:18 p.m.

B. Smith arrived at 5:20 p.m.

MSP Newsletter – P. Sartorius stated that the new laws are ready to be enacted. The Planning Commission should look at adopting them. There will be a Muskegon Area Wide Plan luncheon next Tuesday the 18<sup>th</sup> at the Community College. This would be held in room 1200 from 11:30 a.m. until 1:30 p.m. He thought this might be good for the new Planning Commissioners to attend.

There being no further business, the meeting adjourned at 5:26 p.m.

hmg  
2/13/03